

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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Federal Communications Commission
Office of the Secretary

In the Matter of

Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service

MM Docket No. 87-268

To: The Commission

**COMMENTS OF H & C COMMUNICATIONS, INC. ON
SECOND FURTHER NOTICE OF PROPOSED RULEMAKING**

H & C Communications, Inc. ["H & C"],^{1/} through its attorneys, hereby submits its comments in response to the Commission's Second Further Notice of Proposed Rulemaking^{2/} in the above-captioned proceeding.

Introduction

H & C commends and fully supports the Commission's efforts to develop policies and procedures for the allotment of channels in the advanced television service ["ATV"]. In this same proceeding, H & C has joined in the comments of the Association for Maximum Television, Inc. ["MSTV"] and fully supports the proposals suggested therein. The purpose of H & C's comments is to urge the Commission to develop and adopt ATV allotment criteria that are more flexible

1/ H & C is the licensee of Television Stations KPRC-TV, Houston, Texas, KVOA-TV, Tucson, Arizona, KCCI-TV, Des Moines, Iowa, WESH, Daytona Beach, Florida, and KSAT-TV, San Antonio, Texas.

2/ Second Further Notice of Proposed Rulemaking, MM Docket No. 87-268, 7 FCC Rcd. 5377 (1992) ["Notice"].

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than those it currently proposes and can be adapted to accommodate stations' future needs to maximize their service to the viewing public and maintain economically viable positions in television markets.

Greater Flexibility in the Allotment Criteria is Necessary

The FCC's allotment criteria, in their current, proposed form, do not afford broadcasters' sufficient flexibility to make certain changes to their ATV service, once it has commenced, that may be necessary to provide maximum television service to the public. Specifically, because the Commission's proposed criteria will allot an ATV channel based on a station's transmitter site,^{3/} assure a minimum coverage area of only 55 miles,^{4/} and pack all of the ATV channels into the UHF band,^{5/} ATV stations effectively will be precluded from relocating their transmitter sites after allotment. This "locking in" of transmitter sites will be particularly harmful to those broadcasters whose existing coverage areas extend well beyond the 55-mile radius of their transmitter sites. The 55-mile radius will shrink these stations' coverage areas and, because all allotments will be in the UHF band, the opportunities to relocate a transmitter to a location from which they could provide better service to the public will be limited. Not only does this unduly restrict broadcasters desiring to relocate and improve their economic/competitive position in a market, but it also renders a substantial

3/ Id. at 5379.

4/ Id.

5/ Id.

diservice to the viewing public who probably will not receive ATV service from a station that used to provide them with NTSC service.

A specific illustration of this problem can be found in the Orlando - Daytona Beach - Melbourne, Florida ADI. Several stations in this market are licensed to Daytona Beach, yet their service areas extend well beyond the city of license. Under the Commission's proposed ATV allotment criteria, stations serving the same ADI, but with dispersed transmitter locations, may be seriously impeded from delivering adequate and somewhat uniform service to major population areas within their present communities. Such stations could be restricted to a 55-mile radius and, given the reduced space in the UHF band, probably would not be able to relocate their ATV transmitters to optimal sites. The end result is that the areas receiving NTSC service now likely will not receive ATV service from these stations in the future. It is possible that service to principal communities of license, like Daytona Beach, also will suffer as a result of unnecessary technical and economic burdens.

The Commission's Should Adopt MSTV's Proposed Allotment Criteria

MSTV's "service replication/minimization" plan and its proposal to allot channels in both the UHF and VHF bands offer a viable solution to this problem. As MSTV has asserted, its "service replication/minimization" plan will afford broadcasters the ability to switch more easily from NTSC to ATV operations and allow them to maintain their existing service coverage, which for many stations extends well beyond a 55-mile radius of their transmitter sites.

H & C also strongly encourages the Commission to reevaluate whether its UHF band packing proposal will serve the Commission's service maximization objectives. H & C believes that it will not. As MSTV details in its comments, a fully-packed UHF band is likely to result in less spacing between ATV stations than is the case with current NTSC stations. This, in turn, will undoubtedly create greater interference between stations and reduce stations' ATV coverage and the flexibility to relocate their antenna sites. The Commission's plan therefore should permit ATV allotments in the VHF band as well as in the UHF band.

If the Commission does not adopt MSTV's proposals, however, and instead opts for "maximized service" and an all-UHF ATV service, it will have to modify the latter criteria so that broadcasters are not precluded from offering ATV service to existing viewing audiences. Some consideration must be given to a television station's existing antenna site and whether, under ATV, existing service could be substantially maintained from that site. Any allotment criteria adopted should account for those situations where maximum service from existing sites cannot be achieved and provide broadcasters with viable alternatives for improving their service and economic position through site relocation.

Conclusion

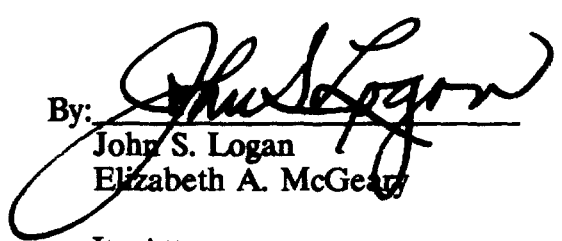
H & C respectfully submits that, if the Commission is to achieve fully its goal of maximizing ATV service to the public, it must allot ATV channels based on MSTV's proposed "service replication/minimization" standard in both the UHF and VHF bands. Should the Commission decide otherwise, it must adopt allotment criteria that afford broadcasters greater flexibility to relocate their

ATV transmitters to sites from which they can provide enhanced television service to more of the viewing public.

Respectfully submitted,

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